

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL CASE NO. 3:06cv66

THE ATTIC TENT, INC.,)
)
 Plaintiff,)
)
 vs.)
)
JERRY L. COPELAND, *et al.*,)
)
 Defendants.)

)

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion in Limine to Exclude Testimony of Defendants' Expert Witness Dr. George Dallas [Doc. 149] and Plaintiff's Motion for Partial Summary Judgment [Doc. 151].

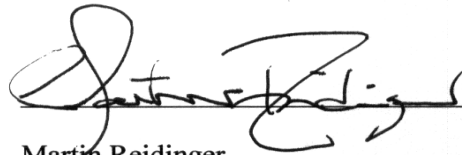
The Court finds that many of the issues raised by these pending motions are dependent on the construction of the patent claims, which shall not be ripe for determination until April 1, 2008.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion in Limine to Exclude Testimony of Defendants' Expert Witness Dr. George Dallas [Doc. 149] and Plaintiff's Motion for Partial Summary Judgment [Doc. 151] are **DENIED** without prejudice as premature. The

Plaintiff shall have leave to re-file these motions within forty-five (45) after the Court's decision on claim construction. Renewal of these motions will not require the re-filing of any briefs or memoranda, either in support or in response. Rather, the parties may simply indicate that they rely upon their previously filed briefs. Any additional briefing by any of the parties shall be limited to five (5) pages, double spaced.

IT IS SO ORDERED.

Signed: November 28, 2007


Martin Reidinger
United States District Judge

